

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 30, 2010
POSITION: Neutral
SPONSOR: American Lung Association

BILL NUMBER: SB 435
AUTHOR: F. Pavley

BILL SUMMARY: Vehicles: Motorcycles: Exhaust System Labels

This bill would make it a crime for a person to park, use, or operate a motorcycle, registered in the state and manufactured on and after January 1, 2011, that does not have a federal U.S. Environmental Protection Agency noise emission control label. The bill would specify that a violation of the labeling requirement represents a mechanical violation, prohibit a peace officer from stopping a motorcycle solely on a suspicion of a labeling requirement violation, and require a peace officer to cite the labeling requirement violation as a secondary infraction.

The bill also would require a person issued a notice to appear, or against whom a complaint is filed, to produce a proof of correction for the court and would authorize the court to dismiss a first violation penalty upon proof that the vehicle owner has corrected the cause of the violation.

FISCAL SUMMARY

The Air Resource Board (Air Board) and the California Highway Patrol indicate they would incur no cost as a result of the bill's provisions. The Department of Finance (Finance) concurs. The Judicial Council notes that the bill's creation of a new crime potentially could increase courts' caseload, thus creating a pressure on the General Fund to pay for increased filings and associated judicial officer workload.

Section 2 of this bill contains an appropriate "crimes and infractions" mandated-cost disclaimer, recognizing that a violation of the bill's provisions would be a crime or infraction.

COMMENTS

Finance is neutral on this bill. Federal regulations require all motorcycles in the United States (both those with original equipment and those with aftermarket replacement exhaust systems) to have two permanent, readily visible EPA stamps certifying that the equipment meets federal maximum noise level requirements. Failure to comply is punishable under federal law, but according to the author, enforcement of these regulations has been lax.

This bill, by requiring in the California Vehicle Code that the stamps be maintained on all motorcycles in California going forward from 2011, is intended to give state and local law enforcement the ability to cite violators of the labeling requirement, thus providing law enforcement a uniform tool by which they can cite motorcycle owners for illegally tampering with their emissions equipment in order to increase noise.

The bill also is intended to ensure that motorcycles on California roads operate with approved emission control systems. However, we note that enforcement would be at the discretion of state and local law enforcement. While the bill is focused on federal noise requirements, we note that tampering with exhaust systems also has air quality implications. The Air Board has reported that the average motorcycle with a tampered exhaust system emits several times more smog-forming emissions than a non-tampered motorcycle and up to 10 times more for certain types of motorcycles and modifications.

Analyst/Principal (0623) K. DaRosa	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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AUTHOR

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SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 13, 2009 version include the following significant amendments which do change our position: the prior contents of the bill, which would have required the Department of Consumer Affairs Bureau of Automotive Repair (BAR) to establish a smog check program for motorcycles have been eliminated and replaced with new noise emission control labeling requirements for motorcycles.

		SO	(Fiscal Impact by Fiscal Year)							
Code/Department	LA	(Dollars in Thousands)								
Agency or Revenue	CO	PROP							Fund	
Type	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code	
0250/Jud Branch	SO	No	-----	See Fiscal Summary				-----	0001	
3900/Air Res Bd	SO	No	-----	No/Minor Fiscal Impact				-----	0044	
<u>Fund Code</u>	<u>Title</u>									
0001	General Fund									
0044	Motor Vehicle Account, STF									